

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

QUINTIN R. CROSS,

Plaintiff,

v.

PATRICK COVELLO, et al.,

Defendants.

No. 2:23-cv-0336 CKD P

ORDER AND

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff requests leave to proceed in forma pauperis. After reviewing plaintiff's request and plaintiff's California Department of Corrections and Rehabilitation trust account statement, which reveals a current balance of approximately \$3,250, the court finds that plaintiff has not made the showing required by 28 U.S.C. § 1915(a) that he cannot presently afford the filing fees for this action. Therefore, the court will recommend that plaintiff's request for leave to proceed in forma pauperis be denied and that he be ordered to pay the filing fee.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court assign a district court judge to this case.

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IT IS HEREBY RECOMMENDED that:

1. Plaintiff's motion to proceed in forma pauperis (ECF No. 2) be denied; and
2. Plaintiff be ordered to pay the \$402 filing fee.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: March 2, 2023



CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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